

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JACQUELINE D. HICKS,

Plaintiff,

v.

STATE OF GEORGIA, et. al,

Defendants.

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CIVIL ACTION NO. 5:12-CV-210 (MTT)

ORDER

This matter is before the Court on the Plaintiff's Motion to Appoint Counsel. (Doc. 6). The Plaintiff filed this Family and Medical Leave Act action after she was terminated from the Taylor County Division of Family and Children Services.

Pursuant to 28 U.S.C. § 1915(e)(1), "the court may request an attorney to represent any person unable to afford counsel." However, "[a]ppointment of counsel in a civil case is not a constitutional right." *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985); see also *Hunter v. Dept. of Air Force Agency*, 846 F.2d 1314, 1317 (11th Cir.1988) (stating that decision is within discretion of district court). Rather, "it is a privilege that is justified only by exceptional circumstances." *Wahl*, 773 F.2d at 1174. In exercising its discretion regarding whether to appoint counsel for an indigent party, "the district court typically considers, among other factors, the merits of the plaintiff's claim and whether the claim is factually or legally so complex as to warrant the assistance of counsel." *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989).

Here, the Plaintiff asserts that she should be appointed counsel because her representation requests have been unsuccessful and she does not understand the

litigation process. Even assuming the Plaintiff's claims have merit, appointment of counsel is unwarranted because the claims are neither factually nor legally complex. *See Wahl*, 773 F.2d at 1174 (finding that exceptional circumstances were not established where essential facts and legal doctrines were ascertainable without assistance of court-appointed counsel). Accordingly, because the Plaintiff has not shown the existence of exceptional circumstances necessary to justify the appointment of counsel, the Motion is **DENIED**.

SO ORDERED, this 9th day of August, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT